Quid Novi

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LAW AND POLICY FOR AN ECOLOGICAL AGE: ENVIRONMENTAL LAW CONFERENCE A SUCCESS

by Diana Torrens, BCL III

The law faculty of McGill was the fortunate host recently of a dynamic, thought-provoking conference entitled "Law and Policy for an Ecological Era". Organized by the Environmental Association of McGill, the conference brought together a wide variety of specialists from such diverse fields as law, economics, science and philosophy.

The conference began on the evening of Wednesday, October 10 with a scintillating address by Elizabeth May, a prominent environmentalist, activist, writer, broadcaster and lawyer. Ms. May spoke on "Developing Sustainability for an Ecological Age". Drawing on information from Our Common Future (the Brundtland Report), she imparted shocking statistics, meshing them with the existing legal and extra-legal structures. She focused on the global nature of environmental problems and the need for a corresponding cooperative approach in solving them. The most important aspect, as she eloquently brought to the fore, is the urgency of the crisis we are facing. Her speech was followed by a lively (to say the least) question period, and then a reception in the Common Room.

Thursday morning saw a panel discussion, "Perspectives on Environmental Law and Policy", with four speakers. Paul Muldoon, Project Director of the Program for Zero Discharge, spoke on the concept of environmental democracy and enhancing citizen involvement in environmental decision-making. Muldoon advocated entrenching the right to a healthy environment in the Constitution. He examined the problems of standing to prosecute a claim and the burden of proof. In his opinion, the most important change needed is to involve the public, who after all are the risk-bearers, in the decision-making process. Economist Dian Cohen spoke on the international business aspect of environmental policy. She focused on

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A question of standing

by Marie Lussier,
on behalf of the Law Students Association

Our student contract provides that, upon graduation, we are ranked on the basis of our cumulative grade point average (C.G.P.A.), earned during our three or four year stay at the Faculty. The regime applicable to all presently registered students provides that academic standing is determined as follows.

First Class Honours: 3,50 C.G.P.A.
Upper Second Class Honours: 3,10
Second Class Honours: 2,70

In the past 3 years, a total of 3 graduates have obtained First Class Honours, while over 50% of all graduates have obtained some form of recognition. Last year's L.S.A. President, Anthony Fata, acting on his own initiative, asked the Examination Committee to consider changing the system to the following:

First Class Honours: 3,3 C.G.P.A.
Distinction: 3,0 C.G.P.A.

The purpose of these changes is to restrict the number of students which the Faculty recognises and to somehow make these distinctions more meaningful. Under the proposed

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ANNOUNCEMENTS/ ANNONCES

BOOKSTORE Permanent hours, beginning the week of Sept. 17th 1990: Tues.: 8h30-10h30; Thurs.: 8h30-10h30.

LEGAL THEORY WORKSHOP - Friday, Oct. 26: Professor David Lyons (Cornell) will give a lecture on the topic of: «Constructive Interpretation and Critical Analysis of Law». Room 202 at 12h00 (noon).

REVUE DE DROIT McGILL LAW JOURNAL - Volume 35 (3) is now available at Sadie's.

LAW AND YOU SEMINAR - Friday, Oct. 26: «You and the GST/La TPS et vous». Room and time to be announced.

FORUM NATIONAL - is pleased to present M. d'Iberville Fortier, Commissioner of Official Languages, who will be addressing contemporary linguistic issues in Canada post-Meech Lake. Make plans early not to miss what promises to be a lively discussion. All are welcome! Wednesday, Oct. 31 1990 in room 202 NCDH at 12h00. ALSO: meeting for all those interested on Oct. 24th at 12h15 in room 202.

TRANSCRIPT VERIFICATION - Students are requested to verify their transcripts at the Student Affairs Office between 9:30 a.m. and 12:30 p.m. commencing TUESDAY, OCT. 16-31. Students are urged to check in order to ensure correct registration of courses and degrees. Your compliance in verifying your record as early as possible will ensure immediate processing of corrections.

PARTY! PARTY! PARTY! Attention aspiring stars and hams alike! Practice your craft on an audience of your friends at Amateur Nite on Nov.1 at 8 PM in the Common Room. Attention to social moths! Following your fellow students, the Cool Monsoons and a new band (interested yet?) will get your feet a-tappin'. Summary STOP Party not to be missed STOP Nov.1 STOP After Coffee House STOP STOP.

CANADIAN JEWISH LAW STUDENTS ASSOCIATION: Want to save big bucks on dining, hotels, clubs and a myriad of entertainment stuff? Buy the **"Entertainment Book"** for a mere $35. See Howard Mandelcorn (845-5621), Gordo Levine (487-3087) or Seth dalfen (735-6940). The C.J.L.S.A. is planning a **Lobby Day** in Ottawa on Nov. 4-5. Come meet your M.P. For more info, contact the same people. Finally, a taste of the Middle East! **Falafel Day** at Coffehouse on Oct.25. Come one, come all!

SUMMER JOBS, ARTICLING JOBS & THE PLACEMENT OFFICE

by Drew Berman, LL.B. III

Not that you want to be thinking about it now, but somewhere floating about in the back of your minds should be employment prospects.

Whether you want to work in either of "The Big Three" (Montreal, Toronto or Ottawa), or New York or Lethbridge, ALberta, the Placement Office has information about finding and applying for such jobs, resume information as well as much more.

In the past students have not utilized the potential offered by the Placement Office. This may be due in part to a general lack of awareness about the facility or simply an inability to find it! (It's located next door to Mrs. Lederer's office).

The Office has information about firms across Canada and certain U.S. centres in addition to lists of public interest groups which offer diverse and challenging alternatives to the usual "summer-job-in-the-law-firm" routine.

I will be working in the Placement Office 3 to 4 hours per week starting the week of October 22. Hours will be psoted on the door as well as in the Announcement section of the Quid. My hunch is that they'll be:
Tuesday 10-11; Wednesday 11-12; Thursday 3-4.

You can also contact Barb in the Admissions Office or Prof. Jutras (or myself) if none of these times is convenient. In the meantime, bear in mind that it's never too early to be giving this subject some thought.

A T T E N T I O N

The L.S.A./A.E.D. Ad Hoc Committee on Québec's constitutional future is now collecting written submissions which will be compiled and sent to the Québec Commission.

All submissions must be no more than 5 pages single-spaced and address the Commission's mandate:

«...d'étudier et d'analyser le statut politique et constitutionnel du Québec et de **formuler, à cet égard, des** recommendations.»

Submissions are to be received no later than Tuesday, October 23 1990 and are to be deposited in the V.P. External box in the L.S.A./A.E.D. office.

ALSO: An open forum will be held to discuss the Commission's mandate. Ce forum aura lieu mercredi le 24 octobre à 12h00 (midi) dans le Moot Court.

Venez vous faire entendre!

Jim's Corner
Does Bo Know Torts?

by James Hughes, BCL III

The L.A. Raiders are a six point favourite against Seattle this week (Oct. 14th). As I prepare for my Sunday afternoon ritual of NFL football and barbecue chips, one question constantly returns to my thoughts: Does Bo know torts?

Probably the most expensive T.V. commercial of all time featured Bo Jackson along with fellow superstars Michael Jordan, John McEnroe, Wayne Gretzky, etc..., appearing for Nike's «Just do it» campaign. The final scene involved a jamming session between the two Bo's: Jackson and Didley. «Bo, you don't know diddly». Happening!!! Don't you hate it when a commercial gives you shivers - I hate that. After seeing the ad, I'd walk around the rest of the day pumped up, telling myself to «just do it». Friends would phone up: «Jim, what are you doing today?» I'd respond cleverly: «Just doing it, Jordo!». Wanna pass the pigskin?

So my buddy André B. tells me on Friday that there's a new Bo Jackson commercial: «Bo knows chemistry», «Bo knows philosophy», «Bo knows anthropology». The implication is stunningly obvious: Bo knows all, does all, sees all. What doesn't Bo know?

This brings me back to the Raiders-Seahawks game this afternoon. Bo is supposed to be appearing for the first time this season in the silver and black. His year with the Kansas City Royals in baseball's American League was not his best but was reasonable by any standard. He is undoubtedly the first player to successfully excel at two professional sports at the same time. But, if Bo knew torts (and contracts), he'd realize he leads an extremely dangerous life.

The percentage of N.F.L. football players who are injured each year is 100%: everybody gets hurt. Some play with the pain, some retire (Joe Theismann has turned out to be a good analyst with TSN). I don't know the percentage of baseball players who are hurt annually but I'm sure Rob Michelin will tell me after he reads this article. If the two percentages are combined, it would be well over 125%. Let's face it, Bo is gonna get banged up seriously one of these days and will have no legal recourse against the Bill Bates' (Cowboys) or André Tippetts' (Pats) of the league who bust his knee in three places. Volenti non fit injuria, baby.

But yo, Bo, no risk, no return; no blood, no foul; no victim, no crime.

As one of the few N.F.L. (or A.L.) players who actually has a University degree, Bo, who is married to a PhD. in some science, will be able to walk away from the game even if it's in a wheelchair. He is one of our athletic heroes who has truly done it.

Pick Raiders with the spread since they're playing at home (where they're 3-0 this year) but especially since Bo is back. Just do it, Johnny!

Getting serious

by Denis H. Stevens, BCL III and Colin Chang, Nat. IV

Reading the Quid Novi over the past few weeks reminds us of a column Russell Baker once wrote for the New York Times. The subject was the difference between being serious and being solemn. Baker explained:

1. The Roman Empire was solemn. Periclean Athens was serious.

2. Arguing about «structured programs» of anything is solemn. So are talking about utilization, attending conferences on the future of anything, and group bathing for the purposes of getting to know yourself better, or at the prescription of a swami. Taking a walk by yourself during which you devise a foolproof scheme for robbing Cartier's is serious.

3. Jogging is solemn. Poker is serious.

4. Washington is solemn. New York is serious. So is Las Vegas but Miami Beach is solemn.

A few examples of our own to further illustrate the difference:

5. L.A. Law is usually serious. Street Legal is unusually solemn.

6. Peter Jennings is serious. Sam Donaldson is solemn. Maury Povich is stupid (and so is his wife).

7. The game of baseball is serious. The rules of baseball are solemn.

8. Candidate Mulroney was serious. Prime Minister Mulroney is solemn. Nation-builder Mulroney is tragic.

9. Adam Smith's Wealth of Nations is serious. Quotations from Chairman Mao are solemn.

10. The U.S. armed forces in the Gulf are serious. The Canadian forces in the Gulf are solemn. And the Sûreté du Québec anywhere is a disgrace.

All of which brings us to the point of this article. The students at McGill Law School are serious - about school, about the world, about their careers, and about their social lives. They are for the most part fun, insightful and original. Their paper, the Quid Novi, for the most part is not. The Quid is solemn.

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The Foetus as subject

by David Morgan, BCL III

How can the issue of abortion be addressed legislatively in a country wracked by division over the very terms of debate? Surprisingly, tentative solutions seemed to emerge from the last of the three panel discussions on «The Foetus as Subject», which had as speakers Mrs. Angela Castogan, Prof. Peter Benson and Mr. Iain Benson. This is perhaps due to the starting premise of all of the speakers: whether one starts from within the Judeo-Christian tradition or from a Kantian understanding of humans as ends in themselves, or indeed from basic intuition, a purely utilitarian approach to the question of abortion offends our basic conception of the sanctity of human life. Freedom of choice language is very evocative, for the human-being-as-chooser is one of the central tenets of liberalism. Nevertheless it cannot provide the final answer, if only for the fact that central to the conception of the person as a chooser is an antecedent understanding that being human in itself marks one out from the rest of nature in a normative way. A human being is in some fundamental way "outside" the basket of goods that can be chosen, exchanged or discarded in order to increase our utility. We cannot both call ourselves choosers and then deny the normative basis for so-doing. On these two points it is probably fair to say there was substantial agreement.

For Mrs. Angela Castogan that was the end of the story: As science and religion agree that human life begins at conception, those who advocate abortion are involved in an inconsistency of premier importance and must admit to trumping the concerns of fundamental human justice with a kind of utilitarian calculus - «my needs are strong enough that I will kill you in order to satisfy them.» She made no concession to attempts to differentiate between the scientific fact that life begins at coneption and the concept of "personhood", the latter being based on a normative conception. I will not expand on the rest of her argument for the reason that (i) she did not go much farther than that and (ii) through her advocacy she has had ample opportunity to express her views.

Mr. Iain Benson took as his starting point what was described above as the «intuitive belief that a purely utilitarian approach to the question of abortion offends our basic conception of the sanctity of human life». His argument was that level-headed debate on the subject - debate that takes place with some kind of reflection and compassion - occurs in the context of this shared understanding, and, much more importantly, that this shared understanding is the product of a centuries long religious and philosophical tradition that is being quickly eroded. (What is it about being human that bars us from treating each other solely as means?).

Law schools, the breeding ground of lawyers and Supreme Court justices, offer little if any preparation to these men and women in the matters on which we

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Gettting Serious
Cont'd from p.3

We are not sure why this is so. As Russell Baker points out, it is not easy to be Periclean Athens or New York: it is not easy to be serious. But it is, well, perplexing that the annual Law School Skit Nite can be the brainchild of the same people who produce (or perhaps who just read, complain about but do not contribute to) the Quid Novi.

One last example before we go:

11. This article is serious. Its authors and the way they end it are solemn.

Cont'd from p.4

most frequently turn to them for guidance (ex: how are we to arbitrate between demands for personal freedom and the demands of a human foetus). The overlap between law and morality is not complete; yet there is certainty some connexion between justice and «the just», and it is in precisely this area that law schools are suprisingly and ominously silent. Like criticisms were leveled at the science departments. In an age when technology has become so advanced and society is in the greatest need of some kind of understanding about possible limits to its application (ex.: since we agree that diabetes is a bad thing, let's see if we can genetically design a baby that won't get it) we are at least able to contain it. Limitations, in fact, are increasingly suspect in an age that has substituted technological efficiency for human wisdom. (Anyone familiar with the writings of the Canadian philosopher, George Grant, will recognize the large (and acknowledged) debt Mr. Benson's argument owes to Grant's own).

Mr. Benson sees in the approach of the Supreme Court in the Daigle decision and in that of our prevaricating Parliament on the entire issue, an abdication of duty symptomatic of their respective decline in integrity. After all, the Judicial Committee of the Privy Council, when confronted with the issue of whether women were persons, overturned Canada's Supreme Court decision and placed the onus on those who would deny women their status as persons to state the reasons for such a characterization. The Daigle decision is strike two, at least, for the S.C.C.. The Charter has ushered in a legal environment where the legal and ethical will increasingly overlap. Mr. Iain Benson's concern is that we are less and less able to deal with the concomitant increase in responsibility.

It was Prof. Peter Benson's argument that provided the opportunity for at least a fragile consensus. He addressed directly the possibility that Bill C-43 would be successfully challenged, that a legal vacuum would result, and put forward tentative proposals that would potentially accomodate those who rightly claim that a woman has rights over her own body and those who rightly assert that a foetus, too, has certains claims. Remarkably, whether or not the courts recognize the foetus as a person does not decide the question. Nor does resort to the private law understanding that the individual does not owe any positive duties to another individual. Prof. Benson emphasized that his paper was in no way a finished product but was more in the nature of a "think piece". Peace. Please.

Working wholly within the private law, Benson asked three questions: is the foetus a juridical person. If so it must be respected as an end in itself. Assuming it is a person, (perhaps on the basis of a shifted onus of proof?) is the foetus owed any duty of respect by the mother in the circumstance of her carrying it; and, if this duty does exist, are there any limits to it? Prof. Benson called in aid what he claimed to be widely shared, deeply held conceptions (or those that would be so after considered reflection): (i) respect for human life; (ii) the woman, as the bearer of the foetus, has special burdens; these we do not want to legally impose on her just because of natural contingencies; (iii) the relationship of the woman to the foetus is sui generis. Hitherto, debate has taken as its premise either the existence of two autonomous individuals or simply one individual. For example, Judith Thompson, in arguing that in legislating against abortion the state is imposting the duty of good samaritan upon women, uses the model of two autonomous individuals. Those who argue that the state is denying a woman control over her own body, and those who see the whole matter as one of personal conscience, are perhaps arguing from withing the latter premise. If the relationship is sui generis, a new optic is possible. And this, along with the other two realizations, might provide the soil in which a humane and sensitive solution to the agonizing debate (and reality) can germinate.

It emerged from Prof. Benson's talk that it was indeed possible that the foetus would be owed a duty, but that this duty would not be unlimited. The pregnant woman is faced with burdens of a nature that we would be insensitive to minimize through talk of "mere inconvenience". And, if a duty is owed to the foetus, it must be one that does not put the woman in the role of a dupe or a saviour. The French law, also introduced in the climate of acute societal division, has managed to diffuse the crisis in that country and may provide a model useful for our own Parliament. In essence, a prima facie right to come to term is accorded the foetus, offset by the concern that the woman not be fundamentally or permanently denied the possibility of living as a free and equal person (substantively, rather than formally).

In the French system, if the woman approaches her doctor within the first ten weeks of her pregnancy, she must show distress, subjectively defined. Her doctor must read a law speaking of "the fundamental respect owed to human life", refer her to a counselling service that point out alternatives available, and then give her a one week "cooling off" period. If after this the woman is still suffering from subjective distress, the abortion will be performed. A more stringent process in involved if the woman approaches her doctor after the first ten weeks of her pregnancy.

Whether or not the French system is followed here in Canada, any new law would need to recognize the respect owed to human life, the sui generis relationship of woman to foetus, and the proper disinclination to have natural contingency alone determinative of legal obligation. The law, too, must be relative to our society and the circumstances of support. It should ideally satisfy an educative function. Most of all, the legislation must be practicable: would reasonable people, properly educated, be able to live with the law (and within it?). The answer cannot be to do nothing.

Environmental Conference
Cont'd from p.1

how efforts are being made to shift business thinking from a linear, goal-oriented point of view to a more process-oriented mentality. She drew a poignant analogy, observing that we treat the environment today the way we treated workers 200 years ago! Ms. Cohen concluded that is is business, not government, which has the potential to act creatively and in its own interest. Ensuite, le professeur Lorne Giroux de L'Université dee Laval a donné un aperçu de l'evolution de l'approche législative au Québec. Son discours portait sur la Loi sur la qualité de l'environment, dont il a offert une analyse critique éclairée. Lastly, Nancy Doubleday discussed ethical and philosophical approaches to nature in an ecological age, focusing on the questions "Who am I?", "Why am I here?" and "Where are we going?". According to Doubleday, we must follow the example of peoples who live in a spiritual continuum with nature. The panel was followed by an animated question period, and then a luncheon in the Common Room, where discussion continued unabated.

Le jeudi après-midi, la première séance a consisté en deux ateliers donnés simultanément. Le premier, mené par Me. Michel Bélanger, directeur du centre québecois du droit de l'environnement, portait sur le concept d'une Charte de l'environnement. Selon lui, il ne faudrait pas adopter une telle Charte, mais plutôt faire un usage plus efficace et innovateur des mécanismes existants. Par ailleurs, un régime efficace nécessitera parfois l'adoption de mesures impopulaires. Me Bélanger a ajouté qu'il faudra favoriser la procédure, c'est-à-dire le *standing* , le coût et le temps pour porter une action. The second workshop, led by Richard Kistabish, writer and former President of the Algonquin Council of Grand Chiefs, was entitled "Wanaki: Making Peace With the Environment". Mr. Kistabish started off with an amusing anecdote, which served as a basis for his principal theme: that there must be justice for all living things on earth so as to achieve a peaceful and harmonious existence for all.

The second afternoon session again consisted of two workshops. The first was led by Jutta Brunnée, a visiting professor here at the faculty, who spoke on the challenge facing international law. Her talk focused on the schism between international law with its traditional notions of State sovereignty, and the environmental problem with its necessarily global nature. She concluded that international law, as it now stands, does not hold definitive answers, but that there is some hope to be drawn from recent developments, including international agreements, fund proposals, alliances and enhanced cooperation among Nations. Le deuxième atelier, mené par Me Diane Morneau, avocate en droit de l'environnement, portait sur l'adoption d'une Charte de l'environnement supra-législative. De toute évidence, les avis sont partagés sur cette question! Me Morneau a observé que notre droit actuel favorise la croissance économique au detriment de l'environnement, mais qu'il serait possible pour le Canada de maintenir son statut en tant que grand pays industrialisé en adoptant une déclaration politique concernant l'environnement, ou en adoptant une Charte de l'environnement supralégislative. Selon elle, l'approche des droits concurrentiels nous amène à considérer l'hypothèse de l'adoption d'une Charte de l'environnement.

The final session of the conference took place at the end of the afternoon in the

Cont'd on p.8

SOCIAL COMMITTEE AND SOCIAL CONSCIENCE

by Julie Godin, Nat. IV

On October 11th, law students attempted to combine party heartiness with global relevance, and came up short in the fund raising department.

As a party, the "Rock for the Rainforest" Concert was great fun, but as a benefit, it did not succeed. Regrettably, I have to say that we will not be able to make a donation to the World Wildlife Fund. The concept of a mini-festival of local music was a challenging one. A great deal of work went into the quest for cheap, enthusiastic, talented bands, and the final lineup was varied and entertaining. The musicians were genuinely happy to perform for us, and showed a lot of class and cooperation. Although I was beside myself with anxiety, I could not help but enjoy some memorable moments: reggae star Kali telling the Monsoons not to guve up music for the sake of law, the Scraps' irrepressible version of Hank Williams' "Jambalaya"... Unfortunately, the substantial crowd was not sufficient, and beer sales were disappointing.

A week before the benefit, I was interviewed by the McGill Tribune, to discuss how "heartbreaking and impossible" environmental benefits have been for many groups. I was hopeful and determined that we would give it our best shot. It seems that these types of events are notorious for not working out, that people are saturated with environmental issues, and that no amount of publicity will drag them out to a show. Nevertheless, I am sure that we could not have brought costs any lower than they were - we received a lot of free publicity, and used up many favours owed. I also know that students had a good time, and enjoyed a live music format which was new to our faculty's events.

I only hope that people were made aware of the environmental issues at stake, and also of the difficulties involved in trying to mobilize as a group. I still refuse to believe that students should stick to tried-and-true, self-indulgent beer bashes.

I wish to thank the LSA executive for encouragement and the student volunteers who really got behind the whole idea of this concert.

One of my greatest disappointments was the total utter absence of professors at this event (Come on, folks, no one was planning to blow up a goat on stage!). To my knowledge, no prof even attempted to buy a ticket as a donation to the cause.

Finally, I want to nominate a certain person, who renewed my faith in humanity, for the Quid Novi Moral Dilemma Award: this student found an envelope filled with money, left behind by "Friends of the Rainforest", and turned it over the the "authorities" (me).

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Question of Standing
Cont'd from p.1

system, approximately 20% of graduating students would receive some sort of academic recognition. It is also felt that the term «Second Class Honours» ought to be done away with, since students who achieve this level of academic standing are not second class students, contrary to what the name might suggest.

It must, at this point, be noted that any proposal agreed upon by the Examination Committee with respect to changing the honours system must be approved by the members of Faculty Council. These include all faculty members, 5 elected student representatives and 3 members of the L.S.A. Executive. The Examination Committee is composed of 2 faculty members, including the Associate Dean Academic and 1 student representative.

The L.S.A. Executive is presently debating the position which it ought to take vis-à-vis the honours system. Some members agree with the proposed changes, for the reasons previously discussed. Others consider that since the Law Faculty is free to change its honour system, it can also decide to do away with it, and feel that this is the position they support.

Most people would agree that our admissions policy ought to allow and encourage students with diverse backgrounds, expectations, goals and priorities to have access to law school and to participate fully in the life of the Faculty. This is surely one of the most important elements to the continued success of a law programme. Having recognised, upon admission, the varying strenghts of all its students and the different contributions which they might make to the study and practice of law, is it not contradictory and hypocritical for the Faculty to impose on all its students the same measure of success? Students agree that they leave law school with personal victories and experiences that a C.G.P.A. could not event come close to approximating. Yet some argue that what's personal is personal and what's academic is academic. But is this really the type of illusory dichotomy under which we wish to operate?

This question will be discussed at different levels within the Faculty in the coming weeks and the purpose of this article is to generate discussion. Although none of these changes would affect the ranking applied to students presently registered, they would affect the future of our school. Please talk to your class president, faculty council reps, LSA executive members and Examination Committee student member. And let us know where you stand!

Moral dilemma reply

by Kevin MacNeill, LLB I

The moral dilemma posed in the Quid Novi of Oct. 9th essentially adds up to the question: «whose side are you on in the Gulf Crisis?». I feel that the American military intervention there must be condemned and the ostensible reasons for its justification should be exposed as nothing more than a cover for imperialist aggression.

That said, is Saddam Hussein a dictator? Most definitely. But Kuwait was no bastion of democracy either. Only 60 000 men (NO women) out of 2 million adult Kuwaitis had the right to vote. Secondly, let us not forget that in 1987, the U.S. had no qualms about propping up Hussein in his war with Iran. The Western mobilization in the Gulf has nothing to do with dictatorship.

What about international law? Was it not a violation of international law when the United Stated invaded Panama killing 7 000 in one night? Remember Vietnam? You know, where a multitude of illegal drug and military related operations were carried on in Laos? U.S. action in the Gulf based on legal claims is pure hypocrisy.

What of national boundaries? Here we must remember that historically, most boundaries in the region in question are products of Western nations in the first place: drawn up to facilitate the exploitation of cheap «crude» by Western oil companies. Although Kuwait (a British trophy from WWI) was granted independence in 1961, british troops stayed until 1971. The Gulf action has nothing to do with respecting national borders; it is about **who has control of the oil in the region**. Indeed, this was confirmed by President Bush (see Le Devoir on 13 september, 1990).

We are moving toward a war in Kuwait which military officials concede could cost the lives of up to 30 000 U.S. ground troops. What they do not tell you is how many «enemy» troops and **civilians** could be slaughtered. Saddam Hussein must not be given political support for his actions; I sincerely hope that one day he's tossed out of power and replaced by a democracy . But in the short term, let's hope the West (including Canada) withdraws quickly from the region. If it comes to blows, I hope George Bush gets a bloody nose. I am sure the long term ramifications of fewer Vietnams and fewer Panamas are worth depriving oil company shareholders of their blood money.

QUOTE OF THE WEEK

Prof. Jukier, OBS. IA

"Tax law doesn't seem to have any organizing principles.
I know, I taught it."

ERRATUM: Separatists' Corner

de Michelle Cumyn et Marc-Antoine Adam, BCL III

[NDLR: À cause d'événements hors de notre contrôle, une partie très substantielle de cet article a été omise lors de sa publication de la semaine dernière. Cette omission déformait le sens des propos des auteurs, et nous espérons que cette erreur ne leur a pas causé trop d'inconvénients. Nous nous excusons de ce fâcheux événement et ferons de notre mieux pour qu'il ne se répète plus à l'avenir.]

Comment le Canada anglais réagira-t-il devant les conclusions de la Commission Bélanger-Campeau? C'est essentiellement la question sur laquelle se penchaient MM. Daniel Latouche et Charles Taylor le 3 octobre dernier, alors qu'ils étaient invités à s'exprimer à propos du «malentendu canadien».

M. Latouche a ainsi développé l'idée selon laquelle nous assistions depuis quelques temps à l'émergence d'un nouveau Canada pleinement capable de se construire une identité propre sans le Québec. Dans les relations Québec-Canada, ce changement d'attitude se traduirait par une indifférence généralisée quant aux aspirations québécoises et par le refus de modifier le cadre confédératif afin d'accomoder une province plus qu'une autre. Par contre, si le Québec devait quitter la Confédération, M. Latouche croit que ce nouveau Canada n'y verrait pas d'inconvénient car chacun pourrait alors s'occuper de ses affaires sans ingérence de la part de l'autre. Éventuellement, certains accords comme la «souveraineté-association» pourraient être conclus dans le meilleur intérêt de chaque partenaire.

À l'inverse, la thèse plus pessimiste de M. Taylor s'articule autour de l'hypothèse que le Canada ne peut toujours pas se définir sans le Québec. S'il devait être forcé de le faire advenant le départ du Québec, M. Taylor craint que le Canada hors Québec (CHQ), ne cherche à se venger du Québec, de telle sorte que toute chance d'entente «post-séparation» serait compromise.

On peut en déduire qu'il risque d'y avoir non pas une mais plusieurs réactions au Canada anglais, loin d'être aussi monolithique que certains semblent le croire. La question devient alors, en ce qui nous concerne, de savoir quel groupe réagira de quelle façon, et quelle sera l'influence de ce groupe dans d'éventuelles négociations en vue d'une entente bilatérale entre le Québec et le Canada.

L'échec de Meech était moins le fait de quelques individus que la conséquence de son impopularité chez l'ensemble des Canadiens et des Québécois. Parmi les Canadiens, on a vu les amis du Québec se rallier à ceux qui craignaient la sécession du Québec pour des motifs économiques, dans le but de mener une opération de sauvetage de l'Accord. Mais la majorité des Canadiens est restée indifférente à de tels sentiments et ne souhaitait pas modifier la Confédération pour accomoder le Québec. Pour ce dernier groupe, il n'était nullement question de déroger au principe de l'égalité des provinces, principe sur lequel toute fédération doit reposer. Par conséquent, on peut croire que toute nouvelle tentative de «renouveler» le fédéralisme canadien connaîtrait un sort similaire pour les mêmes vieilles raisons. Par contre, si on sort du cadre fédératif, paradoxalement, ce sont nos alliés d'hier qui risquent de réagir le plus hostilement à nos aspirations. En effet, l'opposition catégorique de la part du Canada anglais à une entente économique bilatérale proviendrait avant tout d'une réaction émotive.

Ces réactions des Canadiens-hors-Québec ont plusieurs sources: venant de régions canadiennes qui ont soutenu qu'elles étaient aussi «distinctes» que le Québec, l'émotion relève sans doute de l'envie ou de la jalousie; venant de ceux qui ont voulu inclure le peuple québécois dans la grande mosaïque canadienne, il s'agira probablement de la frustration de voir se réaliser un événement toujours qualifié d'irréalisable. Mais les réactions émotives des Canadiens trouvent leur expression commune dans l'exclamation indignée: «you can't have your cake and eat it too!» Comme s'il s'agissait là d'une loi morale qui interdisait au Québec de gagner sur tous les plans. Comme si, par principe, le Canada ne devrait pas accepter intégralement une proposition du Québec qui s'avérerait à son propre avantage. C'est là la réaction des amoureux du compromis, qui ne peuvent accepter ni la plausibilité d'une solution toujours qualifiée d'extrême, ni que le Québec puisse sans contrepartie s'engager dans la voie de la souveraineté, à supposer, bien sûr, que cette voie soit choisie par les Québécois.

Réaction émotive ou non, il est peu probable que cela joue un rôle déterminant dans les négociations en vue d'en arriver à une entente entre le Québec et le Canada. En effet, dans le contexte international, des accords de cette nature sont conclus dans des situations souvent beaucoup plus tendues que la nôtre (C.E.E. en 1951; Traité de réciprocité entre le Canada et les E.-U. en 1854).

On en vient donc à une double conclusion: l'expérience de Meech nous enseigne que toute négociation dans le cadre fédéral est impossible. Finalement, la réaction du Canada anglais, quelle qu'elle soit, n'est pas un obstacle sérieux si le Québec cherche d'abord et avant tout à obtenir une union économique et fonctionnelle avec le Canada. La conclusion est paradoxale: plus l'autonomie souhaitée est grande, moins elle sera difficile à négocier.

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Moot Court Room. It consisted of a round table discussion comprising four panelists. Don Gamble, Executive DIrector of Rawson Academy of Aquatic Science, began with an analogy drawn from Alice in Wonderland to illustrate how we are now at a crossroads, and must set simple, clear objectives if we are to acheive effective environmental preservation. James Bobbish, former Chief of Chisasibi and current member of the James Bay Advisory Committee on Environment, recounted childhood experiences, and contrasted them with the current situation where traditional ways and harmonious co-existance with Nature have virtually disappeared. He concluded by saying that we must see things first as human beings, and then as scientists. Me. Monique Lussier, associée chez Stikeman, Elliott, s'est prononcée contre la création d'une Charte de l'environnement, favorisant un plus grand usage des études d'impact. Selon elle, il faudrait orienter nos efforts vers la prévention et non pas attendre que les dégâts se produisent avant d'agir. Enfin, M. Pierre-Marc Johnson a traité des institutions fédérales at provinciales existantes, et comment elles pourraient servir à l'avenir à promouvoir un développement durable.

Overall, the conference was a resounding success. There was a high public turnout for the sessions, and audience participation was lively. Another salient feature was the extensive, in-depth exchange between the various specialists, i.e. lawyers listening to philosophers, scientists listening to lawyers. Speakers attended each others' sessions, and asked many questions, taking note of the comments and input given; and that moreover, they each left with their knowledge of their respective fields greatly enriched.

Plans are already being made for another conference next year. Hope to see you there!

Vancouver:

The West Coast Alternative

by Dagmar Dlab, Nat. IV and Rick Kuzyk, LLB III

This article is written in response to the many requests for information we have had regarding careers in law in Vancouver.

O.K., first things first. If you're thinking of spending a summer at a Vancouver law firm, now is the time to apply. Most students at McGill are familiar with Toronto's interviewing time schedule (i.e. interviewing for summer jobs during February reading week). In Vancouver, things operate differently, with the firms conducting their interviews over the Christmas break.

If interested, you should be applying now, so that you will have received your interview offers in time for you to book a flight. (Hopefully there is still time). And by the way, the firms do not cover any of the costs you incur while interviewing.

Insofar as articling is concerned, most of the Vancouver firms participate in the Articling Student Matching Program. You can therefore interview in both Toronto and Vancouver, ranking firms from both cities on your final «Match Card». For more information on «the match», contact your local Careers Day Committee...

Job Potentials

From our experiences, we've found that McGill has a great reputation in Vancouver (although Dagmar's not so sure now that Rick's been there [ha-ha-ha]). We therefore encourage all those interested to send out their applications. However, the firms are aware that there are students who wish to come to Vancouver with no intention to practice there in the future. Therefore it is crucial that you stress commitment to practicing law on the West Coast.

Before we get into the work and benefit descriptions, we'd like to give you a fuller account of your likelihood of securing a summer position. Unfortunately, last year we had no one to sacrifice their crucial leisure time to inform us of the Vancouver hiring process. We sent out our applications in January and booked flights for the February break. Of course, most of the firms had already filled their quotas for summer students over the Christmas interview period. There were but a scant few positions still open. Luckily, we still managed to get jobs with reputable law firms.

The moral here is that if we were able to get jobs when the odds were against us, others should have an even better chance, knowing the Vancouver timetable in advance.

We would like to stress again that Vancouver firms do not wish to underwrite your summer of excess on Wreck Beach if you have no intention of giving them a return on their investment. Emphasize any West Coast ties you have, be convincing when you say that you are going to practice in Vancouver. Dagmar, coming from a New York law firm the summer before, and Montréal the summer before that, learned this Vancouver commitment lesson the hard way.

The Work

Vancouver law firms range in size from the sole practicionner up to the largest comprising about 150 lawyers. As in most other cities, you'll find boutique firms as well as full service firms.

As part of your summer experience, you will most likely have the opportunity to choose the department(s) in which you'll work. Rick worked at Campney & Murphy in the labour law department (Management side - gasp!). Dagmar rotated through both the litigation and corporate departments at Bull, Housser & Tupper. Tasks ranged from conducting research, writing memos, accompanying lawyers to court and arbitrations, drafting motions, etc...

Atmosphere

Rick breathed a huge sigh of relief when he discovered that the law firms were not stuffy, conservative and workaholic. There probably are some such firms in Vancouver, but we were both able to enjoy working in friendly and relaxed atmospheres which were challenging, yet not overly demanding.

As summer students, the hours were fairly flexible. An average work day ran from nine to five, with overtime being a blessedly rare occurrence.

Firm activities seemed to range from the minimal at Campney & Murphy where the lawyers were all friendly enough, but preferred to spend their spare time away from the office. At Bull, Housser & Tupper, however, there were many social events such as barbecues, a harbour cruise, a party at the Vancouver Aquarium and the delightful practice of frequent student lunches. There were also various team activities such as beach volleyball, softball, etc...

Benefits

It's true that many professionals migrate out to the West Coast for its enviable lifestyle. Be forewarned, however, that

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salaries for law students may be considerably less than those offered in other cities.

Many Vancouver firms offer «Summer Scholarship Programs» whereby they pay summer students the articling wage, which last summer hovered around $1750/month in the large firms. In addition they agree to pay the students' tuition for the following year, plus a book allowance. Extra perks besides the social activities mentioned earlier may include membership at a health club.

Hire-Back

As with all hire-back ratios, those in Vancouver fluctuate with the economy. While summer students are almost always guaranteed to be hired back for articling positions, it is at the articling stage that only a select few will be asked back.

Articling

As in all other provinces, B.C. has its own particular requirements for being called to the Bar. You must successfully complete the 10 week Professional Legal Training Course (PLTC) either before or after your 10 months of articles. Clerkships, offered both at the B.C. Supreme Court and the Court of Appeal, are very popular and well respected in B.C., and may be an interesting option to consider. It should be mentioned however that they only count towards four of the 10 month articling requirement.

The firms do demand more of articling students than of those who are «summering», but what they expect corresponds to what the lawyers expect from themselves. Once again their salaries are apt to be less than those in Toronto, but it is also useful to point out that many Vancouver firms expect 1600-1700 billable hours/years whereas it may be much higher out East. This helps put the West Coast Alternative into perspective. Practicing law in Vancouver obviously means as many different things as there are Vancouver lawyers, but there does seem to be a commitment to living a well rounded life.

Reminder: *Addresses for Vancouver law firms can be obtained at the Student Placement Office.*

Coin des SPORTS Corner

by Lori Knowles, LL.B. III

Back again after another week of aerobic activity.

Women's Hockey: Malum in se: What a group of superstars! This team vanquished their opponents 4-0 in their last valiant effort. Both jennifer Z. and Chantal scored 2 goals leading their team to victory despite only one person left on the bench. Way to go!

Public Offenders: Sorry ladies, I just write what I'm told! This team suffered a 9-0 defeat and rumour has it the referee was sympathetic in keeping them out of the double digits. The team has ordered a complete set of new sweaters; when resplendent in their new attire this group promises to reach unparalleled heights. Erratum: It's Malka not Molka. Sorry!

Men's Hockey: "AA": The sluggish start continues as our heroes blew another 2-goal lead in the 3rd period. Only a desperate, pulled-goalie effort by newcomer Pierre C. salvaged the game with a 4-4 tie. Strong points were Howard M.'s 2 tallies. Weak points included everyone else for the entire game. Asst. captain McGuire promises to crack the whip and ensure disciplined play saying, "We stank in our zone, we stank in their zone and we stank between zones." Déjà vu? Etiquette award: Martin S. who checks his opponents and then falls down for them.

Softball-Co-rec: Les misérables: According to sources this team lacks a little joie de vivre. Their record has been a little erratic; 1 loss by default, 1 loss 10-0 and 1 win by default. Word around the locker room has it that Brian F. plays every position and is Super Coach as well.

Outlaws: Prof. Janda's class will see serious vacancies on Tuesday afternoon yet again. Don's worry, RJ, we're working on our essays. Wish us luck!

Softball-Men's: Legal Regals: The gents scored a convincing 10-0 victory on Sunday. Howard M. did his Roger Clemens impression and got tossed from the game-he does a good Billy Martin I hear. Thanks to some strong relief from Darren M. and Scott H., backed by a solid infield who didn't shy away from the odd mud puddle, the shutout was preserved.

Ultimate Frisbee: California Raisins: **MUD.** That about sums it up. A soggy group of raisins fell to crushing defeat 10-3 to a team of ringers, disguised as mutant giants. The height advantage of the opposing team could not be neutralized by shorter, faster Raisins, due to quagmire-like shoe-sucking conditions of the field. The team has since come down with trench-foot.

Law Games Bulletin: We're looking for a design for the t-shirt that is **Bold, Simple and Big** (just like last year's Soprts Coordinator). Place any artistic endeavours in the Sports Coordinator's mailbox in the LSA/AED.

Listen Up! November 1st. 8 PM. A Sports Committee-sponsored Amateur Nite featuring the Cool Monsoons and a hot new band. Come work on your muscle tone and rhythm at the same time. Any interested performers may contact me before Oct. 31.

Love ya, babe. Need ya, babe. Gotta have ya, babe. Kanolies.